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James L. Weber

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EXAMINER

BROWN, PETER R

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bian et al.

Figure 3 shows structure similar to that claimed, including a removable bolster 12, which includes an inner body having a recess 38 defining a snap port for receiving a loop fastener. A cover is secured to the inner body and typically includes a foam support material therein. Whether the cover matches that of the seat is considered a matter of design choice, as is the width of the bolster relative to the vehicle seat. It should be noted that absent any structural definition provided for the terms in the claim, the bolster of Bian et al may be construed as having the lower portion of the support with the snap port 38 defining the "inner body", while the upper occupant supporting part, typically formed as foam and upholstery, may be defined as the "cover/plush" structure.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 16 is rejected under 35 U.S.C. 102(b) as being anticipated by Partch et al.

Figures 1-11 show structure as claimed, including a plurality of removable “bolsters” secured to a loop fastener in a vehicle seat frame as an alternative to a child seat. Note that the removable “bolsters” will prevent contact with the loop fastener, as claimed.

Claims 1 and 4-10 are allowed.

Applicant's arguments filed November 15, 2007 have been fully considered but they are not persuasive.

As set forth above in the rejection, the patent to Bian et al shows structure as claimed. There is insufficient detail set forth in the claims to define thereover, as the whole lower part of the Bian support, with the snap port 38 therein, may be broadly construed as an “inner body”, while the upper part may be broadly construed as having the cover/plush features. Such broad features set forth in the claim are not considered to patentably define over the prior art.

Likewise, in regard to claim 16, the patent to Partch et al meets the structural features set forth, including a removable bolster selectively securable to the loop fastener. No more structure is set forth in the claim to define thereover, as the rest of the claim is drawn to functional and use features.

For these reasons, the above rejections are deemed proper and within the scope of 35USC 102/103.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter R. Brown whose telephone number is 571-272-6853. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the

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Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Peter R. Brown/
Primary Examiner, Art Unit
3636

prb